

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES ALLEN YECKEL,

Petitioner

vs.

COMMONWEALTH OF  
PENNSYLVANIA; SUPERINTENDENT  
MR. WAKEFIELD; PENNSYLVANIA  
BOARD OF PROBATION & PAROLE;  
THE DISTRICT ATTORNEY OF  
WESTMORELAND COUNTY; THE  
ATTORNEY GENERAL OF THE STATE  
OF PENNSYLVANIA,

Respondents

**2:05cv839**

**Electronic Filing**

Judge Cercone

Magistrate Judge Hay

**7**

ORDER

AND NOW, this **29** day of March, 2006, after the petitioner, James Allen

Yeckel, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties ten days after being served with a copy to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the Petition is denied as without merit;

IT IS FURTHER ORDERED that a certificate of appealability is denied;

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the plaintiff desires to appeal from this Order he must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



DAVID STEWART CERCONI  
United States District Judge

cc: The Honorable Amy Reynolds Hay  
United States Magistrate Judge

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